

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DISTRICT

BRIAN SNOW,

Movant.

Misc. Case No. 4:18-mc-09015-RK Snow

Related Case (E.D. Va.)

STEVEN KNURR, et al.,

Plaintiffs,

E.D. Va. Case No.:
1:16-cv-01031-TSE-MSN

vs.

ORBITAL ATK, INC., et al.,

Defendants.

MOVANT BRIAN SNOW'S EMERGENCY RULE 45 MOTION
TO MODIFY NON-PARTY SUBPOENA

Brian Snow, by counsel and pursuant to Federal Rule of Civil Procedure 45(d), moves this Court for to issue a protective order (or other order) to modify the subpoena ("Subpoena") served on Mr. Snow by the plaintiffs in *Knurr v. Orbital ATK, Inc.*, ("*Orbital*") Case No. 1:16-cv-01031-TSE-MSN, a class action currently pending before the United States District Court for the Eastern District of Virginia (Alexandria Division). Through his Motion, Mr. Snow also offers his formal written objection to the production of all documents sought in the Subpoena in accordance with Rule 45(d)(2)(B).

The Subpoena imposes an undue burden on Mr. Snow as it unnecessarily requires him to produce documents on a very tight turnaround and places him in the position of having to give a deposition at a time when his chosen counsel will be out of the country and therefore not available to defend his deposition.

Mr. Snow also objects to the overly burdensome document production request contained within the Subpoena. Mr. Snow respectfully asks the Court to modify the subpoena to quash the document production requirements and to re-schedule Mr. Snow's deposition for a time when his counsel is available.

Because Plaintiffs did not take reasonable steps to avoid imposing an undue burden on Mr. Snow before serving him with the subpoena and did not pursue the re-scheduling of his deposition after learning of Mr. Snow's counsel's unavailability, Mr. Snow asks for an award of his attorney fees and court costs incurred in filing this Motion under Rule 45(d)(1).

Respectfully submitted,

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COUNSEL FOR MOVANT BRIAN SNOW

CERTIFICATE OF SERVICE

I certify that on August 21, 2018, a true and accurate copy of the foregoing Motion was served by electronic mail and via first-class U.S. mail, postage pre-paid, on the following counsel for the subpoenaing party in the *Orbital* matter:

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/s/ Patrick N. Fanning
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